And the sheriff of Ann arundel county, to whom the duplicate of the aforegoing writ was made and directed, likewise comes and makes return thereof to the Court here thus endorsed to wit, N.B. Dowell. Cepi the rest, non Inventus left 1. March. David Stewart Shff

And the said John Dowell, William Tillard and Joseph Hill sen.r being called, appear and at the prayer of the said William Fitzhugh by his attorney aforesaid, the said John Dowell William Tillard and Joseph Hill sen.r are adjudged to give special bail to the action aforesaid. — Whereupon a certain Samuel Ward of Ann arundel county gentleman present here in Court, in his proper person, and undertakes for the said John Dowell, William Tillard and Joseph Hill sen.r that in case the said William Fitzhugh shall recover Judgment against the John Dowell, William Tillard and Joseph Hill sen.r in the plea aforesaid, or that the said John Dowell, William Tillard and Joseph Hill sen.r shall be therein legally convict, that then the said John Dowell, William Tillard, and Joseph Hill sen.r shall pay the Condemnation of the Court thereon, or render his body to the custody of the Sheriff of Ann arundel county in satisfaction thereof, or that he the said Samuel Ward will do the same for him. — And the said John Dowell, William Tillard and Joseph Hill by Gabriel Duvall their attorney, come and defend the force and injury when and so forth, and pray leave of the Court to imparle hereunto until the second tuesday in October next, and to them it is granted, and the same day is given to the said William Fitzhugh also.

At which said second tuesday in October to wit, the fourteenth day of the same month Anno Domini one thousand seven hundred and eighty eight, comes again here into our General Court, as well the said William Fitzhugh by his attorney aforesaid, as the said John Dowell William Tillard and Joseph Hill sen.r by their attorney aforesaid. — And the said John Dowell, William Tillard and Joseph Hill sen.r by their attorney aforesaid, as before, defend the force and injury, when and so forth, and saith, that the said William Fitzhugh his action aforesaid thereof against them, to have and maintain ought not, because the said that they the said John Dowell, William Tillard and Joseph Hill sen.r did pay unto the said William Fitzhugh the said sum of money in the Condition of the writing obligatory aforesaid mentioned with legal interest thereon, according to the form and effect of the said Condition of the writing obligatory, And this they are ready to verify, wherefore they pray Judgment, if the said William Fitzhugh his action aforesaid against them to have and maintain ought and so forth.

And the said William Fitzhugh saith, that he, by any thing by the said John Dowell William Tillard and Joseph Hill sen.r heretofore in pleading alledged from having and maintaining his action aforesaid against them ought not to be precluded, because he saith that the said John Dowell, William Tillard and Joseph Hill sen.r have not paid unto him the said William Fitzhugh the said sum of money in the Condition of the writing obligatory aforesaid mentioned, with legal interest thereon, in such manner and form, as the said John Dowell, William Tillard and Joseph Hill sen.r heretofore in pleading have alledged, and of this, he prays may be enquired of by the Country, and the said John Dowell William Tillard and Joseph Hill sen.r in like manner and so forth. —

Therefore let a Jury thereon come, before the Court here, on the second tuesday in May next, by whom and so forth, and who neither and so forth, to recognize and so forth, because as well and so forth, the same day is given to the said Parties then, there and so forth.

And

And now here, on this day to wit, the said second tuesday in May being the twelfth day of the same month Anno Domini one thousand seven hundred and eighty nine, comes again here into our General Court, as well the said William Fitzhugh by his attorney aforesaid, as the said John Dowell, William Tillard and Joseph Hill sen.r by their attorney aforesaid. — Nevertheless the said John Dowell, William Tillard and Joseph Hill sen.r by their attorney aforesaid, relinquishing the avrment aforesaid, by them pretended, and saith, that they cannot deny the action aforesaid of the said William Fitzhugh so as aforesaid against them brought, nor but that they owe to the said William Fitzhugh the said sum of three hundred and thirty six pounds current money, in such manner and form, as the said William Fitzhugh heretofore against them hath declared. — Therefore it is considered by the Court here, that the said William Fitzhugh recover against the said John Dowell, William Tillard and Joseph Hill sen.r as well the sum of three hundred and thirty six pounds current money, his debt aforesaid, in form aforesaid confessed, as also the quantity of seven hundred pounds and three fifths of a pound of tobacco, unto the said William Fitzhugh on his assent adjudged, as well for his damages sustained by reason of the detention of that debt, as for his costs and charges by him, about his suit, in this behalf laid out and expended, And the said John Dowell, William Tillard and Joseph Hill sen.r in mercy and so forth.

Memorandum, Judgment was rendered in this cause on the fifteenth day of May, Anno Domini one thousand seven hundred and eighty nine, for penalty, to be released on the payment of the principal interest and costs, payments if any to be allowed, And the Plaintiff agrees to stay execution until the first day of August next.

(Test.

John Irvinn Clk

James France
Stephen Waterworth &
Zachariah Barnes.
against
William Graham.

Be it remembered, that heretofore to wit, on the sixteenth day of September Anno Domini one thousand seven hundred and eighty seven, James France, Stephen Waterworth and Zachariah Barnes, by Archibald Robinson their attorney sued out of our General Court, the State of Maryland's writ of Capias ad respondendum, directed to the sheriff of Baltimore county in the words and figures following to wit

The State of Maryland Sc. To the sheriff of Baltimore county Greeting, We command you that you take William Graham late of Baltimore county merchant, otherwise called William Graham of the town of Baltimore merchant, if he shall be found in your bailiwick and him safe keep so that you have his body before the Judges of our General Court to be held at the city of Annapolis on the second tuesday in October next, to answer unto James France, Stephen Waterwath and Zachariah Barnes of a plea that he render unto them the sum of fourteen hundred and eighty seven pounds, three shillings and ten pence current money of Maryland, which he oweth to them and unjustly detaineth and so forth. Hereof fail not at your peril, and have you then and there this writ. Witness the honorable Robert Hanson Harrison Esquire chief Judge of our said Court the 26th day of May, Anno Domini 1787. (A Robinson)

Issued the 16th day of September 1787.

Thos. B. Hodgkin Clk

And